

1 JAMES C. NIELSEN (111889)
2 *jnielsen@nielsenhaley.com*
3 THOMAS H. NIENOW (136454)
4 *tnienow@nielsenhaley.com*
5 NIELSEN, HALEY & ABBOTT LLP
6 44 Montgomery Street, Suite 750
7 San Francisco, California 94104
8 Telephone: (415) 693-0900
9 Facsimile: (415) 693-9674

10 Attorneys for Defendant and Counterclaimant
11 UNITED NATIONAL INSURANCE COMPANY

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

INTERSTATE FIRE & CASUALTY
COMPANY,

Action No.: C 07-04943 JL

Plaintiff,

[PROPOSED] ORDER GRANTING
DEFENDANT AND COUNTERCLAIMANT
UNITED'S MOTION FOR SUMMARY
JUDGMENT.

v.

UNITED NATIONAL INSURANCE
COMPANY and DOES 1 through 10.

Defendants

UNITED NATIONAL INSURANCE
COMPANY,

Counterclaimant,

v.

INTERSTATE FIRE & CASUALTY
COMPANY and Roes 1 through 10,

Counterdefendants.

1 The motion of defendant and counterclaimant United National Insurance Company
2 for summary judgment under Fed.R.Civ.P., Rule 56, came on regularly for hearing on
3 August 18, 2008, at 2:00 p.m. United appeared through counsel Thomas H. Nienow of
4 Nielsen, Haley & Abbott LLP, and plaintiff and counterdefendant Interstate Fire &
5 Casualty Company appeared through counsel Christopher J. Borders of Hinshaw &
6 Culbertson LLP. The Court, having read and considered the moving and opposing papers
7 and oral argument of counsel, and good cause appearing, hereby grants United's motion
8 and orders that judicial declarations be and hereby are entered in accordance with Untied
9 National's contentions in its operative pleading in this action, that judgment be entered in
10 favor of United and against Interstate on Interstate's complaint, that a money judgment be
11 entered in favor of United and against Interstate in the sum of \$100,000 plus prejudgment
12 interest from June 18, 2005, and that United recover its costs.

13

14

15

Dated: _____

Marilyn Hall Patel
UNITED STATES DISTRICT JUDGE

16

17

18

19

20

21

22

23

24

25

26

27

28

Interstate Fire & Casualty Company v. United National Ins. Co.
United State District Court, Northern District Court No.: C 07-04943 MHP

1
2 **PROOF OF SERVICE**
3

I declare that:

4 I am a citizen of the United States, employed in the County of San Francisco. I am over
5 the age of eighteen years, and not a party to the within cause. My business address is
6 44 Montgomery Street, Suite 750, San Francisco, California 94104. On the date set forth below I
7 served the following document(s) described as:

8 **[PROPOSED] ORDER GRANTING DEFENDANT AND COUNTERCLAIMANT UNITED'S
9 MOTION FOR SUMMARY JUDGMENT.**

10 [] (BY FACSIMILE) by transmitting via facsimile the document(s) listed above to the
11 fax number(s) set forth below, or as stated on the attached service list, on this date.

12 [] (BY MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in
13 the United States mail at San Francisco, California.

14 [] (BY PERSONAL SERVICE) I caused such envelope(s) to be delivered by hand this date
15 to the offices of the addressee(s).

16 [] (BY OVERNIGHT DELIVERY) I caused such envelope(s) to be delivered to an
17 overnight delivery carrier with delivery fees provided for, addressed to the person(s) on whom it
18 is to be served.

19 [X] (BY ELECTRONIC SERVICE) by submitting an electronic version of the document(s)
20 to be served on all parties listed on the service list on file with the court as of this date.

21 **Attorney for Plaintiff, Fireman's Fund Ins.**

22 **Co.**

23 Christopher J. Borders

24 Casey A. Hatton

25 Hinshaw & Culbertson LLP

26 One California Street, 18th Floor

27 San Francisco, CA 94111

28 Tel: (415) 362-6000

29 Fax: (415) 834-9070

30 I declare under penalty of perjury that the foregoing is true and correct and that this
31 declaration was executed on July 21, 2008, at San Francisco, California.

32 

33 Fatima Puente